

MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 04/21/2023

Law Offices of
JAMES E. BAHAMONDE, P.C.

2501 Jody Court
North Bellmore, NY 11710
Long Island Tel. (516) 783-9662
New York City Tel. (646) 290-8258
Fax No. (646) 435-4376
James@CivilRightsNY.com

April 20, 2023

BY ECF

Hon. Valerie E. Caproni
United States District Court
40 Foley Square
New York, New York 10007

RE: *Zayas v. JLM Venture IV LLC, et al*
22cv9872 (VEC)(OTW)

Dear Judge Caproni:

I represent the plaintiff in the above-referenced case and respectfully request an extension of time to move for default judgment against Defendant 5 Brothers Gourmet Deli, Inc., file a proposed Case Management Plan and Scheduling Order, and an adjournment of the initial pretrial conference scheduled for April 28, 2023.

The Court has set the deadline to file for default judgment against Defendant 5 Brothers Gourmet Deli, Inc. to April 21, 2023. (*See*, Dkt. No. 32). I have had three depositions in the last five business days and have been caught up in preparing and taking the depositions that I inadvertently did not realize the deadline to file the Order to Show because seeking a default judgment against Defendant 5 Brothers Gourmet Deli, Inc. Since Defendant 5 Brothers Gourmet Deli, Inc. has failed to answer or respond it will not be prejudiced..

In regards to the initial conference scheduled, on April 14, 2023, the Court rescheduled the initial conference from May 10, 2023 to April 28, 2023. Unfortunately, I have another matter on the day and cannot reschedule on such short notice. Consequently, I respectfully request an adjournment of the initial conference to May 10, 2023, and an extension of time to file the proposed Case Management Plan and Scheduling Order.

Thank you very much for your consideration.

**Law Offices of
James E. Bahamonde, P.C.**

April 20, 2023
Page - 2 -

Respectfully,

/s/ James E. Bahamonde

James E. Bahamonde, Esq.

cc:
Jeffrey Meyer
Attorney for JLM Venture IV LLC

After the Court issued its order at Dkt. 32, setting the deadline for Plaintiff to move for default judgment against Defendant 5 Brothers Gourmet Deli Inc., Plaintiff filed an amended complaint. Pursuant to Federal Rule of Civil Procedure 15(a)(3), Defendant has "14 days after service of the amended pleading" to answer or otherwise respond to the amended pleading. Accordingly, Plaintiff's deadline to move for default judgment against Defendant 5 Brothers Gourmet Deli Inc. is adjourned *sine die*. Plaintiff must serve a copy of this order and the amended complaint on Defendant 5 Brothers Gourmet Deli Inc. and file proof of service on the public docket by **April 28, 2023**.

Plaintiff's request to adjourn the initial pretrial conference (IPTC) scheduled for April 28, 2023, is GRANTED. Plaintiff's counsel incorrectly states that the IPTC was moved from Wednesday, May 10, 2023, to Friday, April 28, 2023, in the Court's Order at Dkt. 32. The Court had previously adjourned the IPTC scheduled for Friday, May 24, 2023, *sine die*, and on April 14, 2023, rescheduled the IPTC to April 28, 2023. Dkts. 20, 32. The IPTC is adjourned to **Friday, May 12, 2023, at 10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' pre-conference submissions, as outlined at Dkt. 7, are due on **May 4, 2023**.

Plaintiff's counsel is admonished for failing to include whether Defendant JLM Venture IV LLC consented to the adjournment request in the initial extension request. Furthermore, pursuant to Rule 2(C) of the Undersigned's Individual Practices, any extension requests to be made at least 48 business hours prior to the original due date. Plaintiff's request was made on the day that the pre-conference submissions were due. Any future adjournment or extension requests made in violation of the Undersigned's Individual Rules will be denied on that basis alone.

SO ORDERED.

 04/21/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE